

## AMENDMENTS TO THE CLAIMS

1. (Original) A device for use in a cardiovascular surgery on the beating heart comprising:  
a means for stabilizing the beating heart comprising a contact member shaped to engage the  
surface of the beating heart..

Claims 2-11 (Canceled) – Please cancel claims 2-11 without prejudice to the possibility of filing  
one or more continuing applications directed to the subject matter recited therein.

12. (Amended) The device of claim 1, wherein said contact [members have] member comprises  
a hollow portion containing a conformable material therein.

13. (Original) The device of claim 12 wherein said conformable material is granular, a  
polymeric, or a gel.

Claims 14-20 (Canceled) – Please cancel claims 14-20 without prejudice to the possibility of  
filing one or more continuing applications directed to the subject matter recited therein.

21. (Amended) The device of claim 1, further comprising means for introducing a positive or  
negative air pressure to said contact [members] member.

Claims 22-45 (Canceled) – Please cancel claims 22-45 without prejudice to the possibility of  
filing one or more continuing applications directed to the subject matter recited therein.

46. (Amended) The device of claim 1, wherein said contact [members are] member is formed of  
a malleable material.

Claims 47-52 (Canceled) – Please cancel claims 47-52 without prejudice to the possibility of  
filing one or more continuing applications directed to the subject matter recited therein.

53. (Original) The device of claim 1 wherein said contact member is formed of a single  
continuous wire.

Claims 54-57 (Canceled) – Please cancel claims 54-57 without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein.

58. (Original) The device of claim 1 wherein said contact member is inflatable.

Claims 59-189 (Canceled) – Please cancel claims 59-189 without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein.

190 (New) A device for use in cardiovascular surgery on the beating heart, comprising:  
a shaft means having a distal end portion and a proximal end portion; and  
at least one continuously adjustable contact member connected to said distal end portion of said shaft means, said at least one continuously adjustable contact member adapted to be adjusted to substantially conform to a surface of the heart.

191. (New) The device of claim 190, wherein said at least one continuously adjustable contact member is adapted to be bent into a U-shaped configuration.

192. (New) The device of claim 190, wherein said at least one continuously adjustable contact member is configured for application of a vacuum thereto to substantially fix the at least one contact member in its currently adjusted configuration.

193. (New) The device of claim 190, wherein said at least one continuously adjustable contact member comprises a flexible tube.

194. (New) The device of claim 193, wherein said flexible tube contains a plurality of particles or beads.

195. (New) The device of claim 194, further comprising a vacuum lumen connecting with said flexible tube, wherein upon application of vacuum through said vacuum lumen, said particles or beads are compressed by atmospheric pressure causing said flexible tube to become substantially rigid.

196. (New) The device of claim 193, further comprising a malleable member extending along least a portion of a length of said flexible tube.

197. (New) The device of claim 196, wherein said malleable member comprises a wire.

198. (New) The device of claim 194, further comprising a malleable member extending along at least a portion of a length of said flexible tube.

199. (New) The device of claim 198, wherein said malleable member comprises a wire.

200. (New) The device of claim 196, further comprising a plurality of disks disposed along said malleable member.

201. (New) The device of claim 198, further comprising a plurality of disks disposed along said malleable member.

202. (New) The device of claim 193, wherein said flexible tube is inflatable.

203. (New) The device of claim 190, wherein said at least one continuously adjustable contact member comprises a pair of continuously adjustable contact members.

204. (New) The device of claim 190, wherein said at least one continuously adjustable contact member comprises a plurality of continuously adjustable contact members.

205. (New) The device of claim 203, wherein each of said pair of continuously adjustable contact members comprises a flexible tube.

206. (New) The device of claim 205, wherein each said flexible tube contains a plurality of particles or beads.

207. (New) The device of claim 206, further comprising a vacuum lumen connecting with each said flexible tube, wherein upon application of vacuum through said vacuum lumen, said particles or

beads are compressed by atmospheric pressure causing said flexible tubes to become substantially rigid.

208. (New) The device of claim 207, further comprising a malleable member extending along least a portion of a length of each said flexible tube.

209. (New) The device of claim 208, wherein each said malleable member comprises a wire.

210. (New) The device of claim 208, further comprising a plurality of disks disposed along each said malleable member.

211. (New) The device of claim 203, wherein each said flexible tube is inflatable.

212. (New) A method of preparing a device for use in cardiovascular surgery on the beating heart, wherein the device has at least one continuously adjustable contact member adapted to be adjusted to substantially conform to a surface of the heart, said method comprising the steps of:

manipulating the at least one continuously adjustable contact member into a desired configuration; and  
substantially fixing the desired configuration.

213. (New) The method of claim 212, wherein the device is deployed for use in minimally invasive cardiovascular surgery, said method further comprising the steps of:

prior to said manipulating into a desired configuration, manipulating the at least one continuously adjustable contact member into a configuration capable of passing through a minimally invasive opening providing access to the heart; and

passing the at least one continuously adjustable contact member through the minimally invasive opening which provides access to the heart.